REMARKS

Summary

Claims 1-20 stand in this application. Claims 1, 2, 10, 13, 14, and 18 have been amended. The applicant respectfully requests favorable reconsideration and allowance of the standing claims.

35 U.S.C. § 103

At page 2, paragraph 2 claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. (USPN) 6,058,421 to Fijolek et al. (hereinafter Fijolek) in view of USPN 6,073,172 to Frailong et al. (hereinafter Frailong). The applicant respectfully traverses the rejection, and requests that the Examiner reconsider and withdraw the obviousness rejection

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP §2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP 706.02(j).

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As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. The applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in currently amended independent claims 1, 10, 13, and 18. Therefore currently amended independent claims 1, 10, 13, and 18 define over Fijolek in view of Frailong whether taken alone or in combination. For example, currently amended independent claim 1 recites in a salient portion:

> receiving, according to a first protocol, a first request for a network address from a client at an agent for a virtual private network;
> procuring, **according to a second protocol unknown to the client**, said network address by said agent for said client from a network address provider . . .
> (emphasis added)

Currently amended independent claims 10, 13, and 18 recite a similar limitation. With respect to the rejection of dependent claims 2 and 14, a portion of which has been included in currently amended independent claims 1, 10, 13, and 18, the Examiner relies on Fijolek column 4 lines 33-49 and column 7 lines 14-23. The applicant asserts that Fijolek column 4 lines 33-49 disclose a first network that is a cable television network, a second network that is a public switched telephone network, and a third network that is a data network such as the Internet or an internet. The applicant further asserts that Fijolek column 7 lines 14-23 discloses a protocol stack, and in particular the Open System Interconnect (OSI) model. The applicant respectfully affirms that the cited portions of Fijolek fail to disclose procuring, according to a second protocol unknown to the client,

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said network address by said agent for said client from a network address provider as it is well defined in the cited portions of Fijolek (and, for example, in the Fijolek Abstract) by which method and protocol, for example, the cable modem and other network devices will connect and communicate among the several networks. Accordingly, the applicant asserts that currently amended independent claims 1, 10, 13, and 18 are patentable as each recites at least an element not taught or suggested by Fijolek in view of Frailong taken alone or in combination.

Further, if an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is also non-obvious. *See* MPEP § 2143.03, for example. Accordingly, claims 2-9, 11, 12, 14-17, 19, and 20 are also non-obvious and patentable over Fijolek in view of Frailong, taken alone or in combination, at least on the basis of their dependency from claims 1, 10, 13, and 18. The applicant therefore respectfully requests that the Examiner remove the obviousness rejection with respect to these dependent claims.

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CONCLUSION

For at least the foregoing reasons, the applicant submits that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims. The Examiner is invited to contact the undersigned at 360-696-8602 to discuss any matter concerning this application.

The applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, the applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The applicant believes that claims 1-20 are in allowable form. Accordingly, the applicant earnestly solicits a timely Notice of Allowance to this effect.

Respectfully submitted,

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January 23, 2006
Dated

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Under 37 C.F.R. §1.34(a)

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